Requires incarcerated individual be counted for redistricting purposes at previous address if State resident and not counted if incarcerated and not State resident.
AN ACT concerning the use of certain federal decennial census information for redistricting purposes and supplementing Title 52 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Notwithstanding any law, rule or regulation to the contrary, the population count used by the Apportionment Commission to create legislative districts pursuant to Article IV, Sections II and III of the New Jersey Constitution, used by the New Jersey Redistricting Commission to create Congressional districts pursuant to Article II, Section II of the New Jersey Constitution, and used to conduct any other form of redistricting required to be conducted pursuant to law shall not include an individual incarcerated in a State or federal correctional institution in this State on the day the federal decennial census is conducted in this State if that individual was not a resident of this State before incarceration.

The population count used for redistricting purposes shall, however, include an individual incarcerated in a State or federal correctional institution in this State on the day the federal decennial census is conducted in this State if that individual was a resident of this State before incarceration. Such an individual shall be counted at the street address and census block that corresponds to the individual’s last known address before incarceration.

2. This act shall take effect immediately.

STATEMENT

This bill requires that for the purposes of establishing legislative and Congressional districts, incarcerated persons would be counted in the federal census as if they resided at their last known address prior to incarceration. Incarcerated persons who were not State residents before incarceration would not be included in the population count for the district.

Specifically, the bill provides that the population count used by the Apportionment Commission to create legislative districts, by the New Jersey Redistricting Commission to create Congressional districts, and used to conduct any other form of redistricting required to be conducted is not to include an individual incarcerated in a State or federal correctional institution in this State, on the day the federal decennial census is conducted in this State, if that individual was not a resident of this State before incarceration.

Under the bill, the population count used for redistricting purposes must include an individual incarcerated in a State or federal correctional institution in this State on the day the census is
conducted in this State if that individual was a resident of this State
before incarceration. Such an individual must be counted at the
street address and census block that corresponds to the individual’s
last known address before incarceration.

This bill is similar to legislation enacted in 2010 and 2011 in
Delaware, Maryland, New York, and California.